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Committee on Economic, Social and Cultural Rights

Concluding observations on the sixth periodic report of Colombia*

1. The Committee considered the sixth periodic report of Colombia (E/C.12/COL/6) at its 52nd and 53rd meetings (see E/C.12/2017/SR.52 and 53), held on 19 and 20 September 2017. At its 70th meeting, held on 6 October 2017, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the sixth periodic report of Colombia and the written replies to the list of issues (E/C.12/COL/Q/6/Add.1), which were supplemented by the oral responses provided by the delegation. The Committee appreciates the frank and constructive dialogue held with the delegation of the State party. The Committee is also grateful for the additional information provided during the dialogue.

B. Positive aspects

3. The Committee welcomes the State party's ratification of or accession to the following international instruments:

(a) International Convention for the Protection of All Persons from Enforced Disappearance, on 11 June 2012;

(b) Convention on the Rights of Persons with Disabilities, on 10 May 2011.

4. The Committee welcomes with great satisfaction the signature and adoption of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, between the State party and the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (Revolutionary Armed Forces of Colombia-People's Army, FARC-EP). It also welcomes the commencement of peace negotiations and the bilateral ceasefire agreement between the State party and the Ejército de Liberación Nacional (National Liberation Army).

5. The Committee welcomes the legislative, institutional and policy measures that have been taken to promote the enjoyment of economic, social and cultural rights in the State party, including:

(a) The Act on formalizing and generating employment, of 2010 (Act No. 1429), and the National Network for the Formalization of Employment, set up in 2014;

(b) The Victims and Land Restitution Act, of 2011 (Act No. 1448);

* Adopted by the Committee at its sixty-second session (18 September-6 October 2017).

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(c) The Act establishing the unemployment protection mechanism, of 2013 (Act No. 1636);

(d) The Statutory Act on Health, of 2015 (Act No. 1751);

(e) Decree No. 4912 of 2012 creating the National Protection Unit to protect human rights defenders and trade unionists, among others;

(f) The 2014-2018 National Development Plan.

6. The Committee welcomes the close cooperation between the State party and the country office in Colombia of the Office of the United Nations High Commissioner for Human Rights.

C. Principal areas of concern and recommendations

Implementation of the peace agreement

7. While the Committee welcomes the fact that a number of key points of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace represent an opportunity for the realization of economic, social and cultural rights, particularly those of victims and of the groups that have been most affected by the conflict, the Committee is concerned at the major challenges to be faced in ensuring their effective implementation.

8. Bearing in mind that the State party is at a critical juncture in the peacebuilding process, the Committee recommends that it take all necessary measures to ensure the effective implementation of the points of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, including through the allocation of the necessary human, technical and financial resources. It also recommends that it ensure that the mechanisms to monitor its implementation, in particular the Commission for the Follow-up, Promotion and Verification of the Implementation of the Final Agreement, function effectively. The Committee encourages the State party to take appropriate steps to guarantee the active, open and transparent participation of society at large in the implementation process, and in particular the participation of the most affected groups and of the victims of the conflict.

Human rights defenders

9. While the Committee appreciates the establishment and the work of the National Protection Unit, it remains deeply concerned at the persistence — and indeed the increasing number of cases — of harassment, assault and attempted killings targeting human rights defenders, including defenders of economic, social and cultural rights, such as rural, indigenous and Afro-Colombian leaders, which represents a serious obstacle to the building of a stable peace.

10. **The Committee urges the State party to:**

(a) **Thoroughly and effectively investigate all allegations of acts of violence, threats and attacks against the life and physical integrity of human rights defenders, including defenders of economic, social and cultural rights;**

(b) **Continue its efforts to ensure the proper functioning of the National Protection Unit in order to provide effective and timely prevention of acts of violence against any human rights defenders and to provide adequate protection, in accordance with the specific needs and characteristics of the various groups of defenders of economic, social and cultural rights;**

(c) **Carry out information and awareness-raising campaigns on the vital work done by human rights defenders and trade union leaders and members, with a view to ensuring a climate of full respect in which they are free to work without fear and without intimidation, threats or reprisals of any kind.**

11. **The Committee refers the State party to its 2016 statement on human rights defenders and economic, social and cultural rights.**

Economic, social and cultural rights and business

12. While the Committee welcomes the efforts made by the State party in adopting a National Plan on Business and Human Rights, it is concerned that the Plan does not incorporate appropriate measures clearly establishing the principle of human rights due diligence in order to identify, prevent and mitigate the risk of violation of Covenant rights.

13. **The Committee recommends that, in revising the National Plan on Business and Human Rights, the State party:**

(a) **Take appropriate legislative and administrative measures, including the incorporation of human rights due diligence, to ensure that business enterprises operating in the State party do not adversely affect the enjoyment of economic, social and cultural rights in the course of their work;**

(b) **Establish effective mechanisms to guarantee the conducting of human rights due diligence by companies;**

(c) **Strengthen existing mechanisms to investigate complaints against companies, and take effective measures to ensure victims' access to effective remedies and to reparation or compensation.**

14. **The Committee refers the State party to its general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities.**

Exploitation of natural resources

15. The Committee notes with satisfaction that the State party has set up and conducts public consultations in communities that may be affected by projects to exploit natural resources, including agro-industrial projects. However, it remains concerned that the outcome of these consultations is not duly taken into account by the competent authorities and that, notwithstanding the opposition of the communities concerned, such projects still go ahead. The Committee is also concerned at the deleterious effect of these activities on the environment, including deforestation, which has a negative impact on the effective enjoyment of economic, social and cultural rights, particularly the right to an adequate standard of living and the right to health (arts. 11 and 12).

16. **The Committee recommends that the State party take the necessary measures to ensure that the outcome of public consultations is given due weight and is taken into account by the competent authorities, and is then applied in collaboration with the affected communities. The Committee further recommends that the State party undertake thorough social and environmental impact studies on activities to exploit natural resources and that it ensure that licensing agreements concluded with private entities include measures to mitigate their impact on the enjoyment of economic, social and cultural rights, provide adequate compensation to affected communities and include appropriate measures to ensure the preservation of forests.**

Rights of indigenous peoples and Afro-Colombians

17. While the Committee takes note of the efforts made to ensure the enjoyment of economic, social and cultural rights by indigenous peoples and Afro-Colombians, it remains concerned at reports of inadequate implementation of the process of prior consultation with a view to obtaining free, prior and informed consent, particularly in relation to natural resource development and exploitation projects likely to affect their territories. The Committee is also concerned at the limited progress made in applying Constitutional Court decisions in favour of indigenous and Afro-Colombian peoples, that order the implementation of ethnic protection plans for indigenous peoples identified as being at risk of physical and cultural extinction, and for Afro-Colombian populations identified as extremely vulnerable (art. 1).

18. **The Committee draws the State party's attention to its previous recommendation (see E/C.12/COL/CO/5, para. 9), and urges it to:**

(a) **Carry out a broad process of consultation and participation in the drafting and adoption of the draft statutory act on prior consultation mentioned by the delegation during the dialogue, and to ensure that the legislation complies with international standards, including the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Declaration on the Rights of Indigenous Peoples;**

(b) **Ensure that consultations held with a view to obtaining indigenous and Afro-Colombian peoples' free, prior and informed consent to decisions that may affect the exercise of their economic, social and cultural rights are conducted as an unavoidable and timely step, taking into account the cultural differences of each people and carrying out studies of the impact that such measures may have on the exercise of their rights;**

(c) **Step up its efforts to give full effect to Constitutional Court decisions in favour of indigenous and Afro-Colombian peoples, in particular by adopting and implementing ethnic protection plans for indigenous peoples that are at risk of physical and cultural extinction and populations of African descent that are extremely vulnerable.**

Maximum available resources

19. While the Committee recognizes the State party's efforts at structural tax reform in the direction of redistribution, it is concerned that some of the changes, such as the increase in value added tax, may make the reform less progressive and make it harder to bring down the high levels of inequality in the State party (art. 2).

20. **The Committee recommends that the State party take the necessary steps to conduct a comprehensive analysis of the impact of the structural tax reform on reducing poverty and inequality and that it make adjustments as needed to ensure that it is redistributive and socially fair, with a view to combating the high levels of inequality and increasing the resources available for the implementation of economic, social and cultural rights.**

Corruption

21. While the Committee takes note of the measures taken to combat corruption in the State party, it is concerned that they are not effective enough, which could explain the small proportion (1.6 per cent) of cases that led to convictions during the period 2012-2016 (art. 2).

22. **The Committee recommends that the State party, as a matter of priority, address the root causes of corruption and expedite the adoption of the legislative and administrative measures needed to effectively combat corruption, including the bill on whistle-blower protection. It also urges the State party to carry out independent and thorough investigations of all cases of corruption.**

Discrimination against indigenous and Afro-Colombian peoples

23. The Committee is concerned at the persistent structural discrimination against indigenous peoples and Afro-Colombians, which is reflected in the high levels of poverty and exclusion that affect them disproportionately (art. 2).

24. **The Committee recommends that the State party step up its efforts to prevent and eliminate the conditions and attitudes that perpetuate structural discrimination against indigenous and Afro-Colombian peoples. To that end it urges the State party to adopt special measures in order to improve their socioeconomic situation and guarantee their effective enjoyment of economic, social and cultural rights. It also encourages the State party to conduct public awareness-raising campaigns to counter discrimination against them. The Committee refers the State party to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

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Equality between men and women

25. While the Committee takes note of the measures taken to eliminate gender-based discrimination, it is concerned at the persistence of gender inequality, which affects mainly women living in rural areas, indigenous and Afro-Colombian women, and women victims of the armed conflict. The Committee is also concerned at the failure to guarantee women's effective participation in the implementation of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace (art. 3).

26. **The Committee recommends that the State party:**

(a) **Step up its efforts to eliminate the persistent inequality between men and women, including through the adoption of temporary special measures, and to promote full access by women to education, employment, health care, social security and land;**

(b) **Incorporate into public policies the necessary measures to ensure equal access to and enjoyment of economic, social and cultural rights by women living in rural areas and indigenous and Afro-Colombian women, including measures for the elimination of multiple, intersectional discrimination against women living in rural areas and indigenous and Afro-Colombian women, allocating sufficient resources for implementation;**

(c) **Ensure women's effective participation in the implementation of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace.**

27. **The Committee refers the State party to its general comment No. 16 (2005), on the equal right of men and women to the enjoyment of all economic, social and cultural rights.**

Right to work

28. The Committee is concerned that despite a number of initiatives, young people, women, persons with disabilities and, in particular, persons living in rural areas continue to be especially affected by unemployment (art. 6).

29. **The Committee recommends that the State party continue making efforts to bring down high unemployment rates by, for instance, developing a comprehensive public policy on employment that tackles the main causes of unemployment, includes a plan of action with specific targets and focuses on groups that are disproportionately at risk of unemployment. The Committee recommends that the State party continue to accord priority to quality technical and vocational training programmes that are tailored to the needs of both the labour market and the most underprivileged and marginalized persons and groups.**

Informal economy

30. The Committee acknowledges the measures being taken by the State party to reduce the number of people working in the informal sector of the economy, but it is concerned that this number is still very high and that such workers are therefore not adequately protected by labour law and do not have access to the social protection system (arts. 6, 7 and 9).

29. **The Committee refers the State party to its previous recommendation (see E/C.12/COL/CO/5, para. 11) and urges it to intensify its efforts to progressively reduce the number of workers in the informal economy and bring them into the formal economy. It also urges the State party to adopt the necessary measures to ensure that workers in the informal sector are provided with adequate immediate protection under labour law and access to social protection.**

Safety and health at work and labour inspections

32. The Committee is concerned at the absence of comprehensive measures to provide adequate protection in the area of occupational health and industrial accidents, chiefly for workers in the informal economy. The Committee is also concerned that despite the efforts

that have been made, the number of labour inspectors is still inadequate, a situation that makes it hard for them to cover rural and remote areas (art. 7).

33. **The Committee recommends that the State party review its current system of protection from occupational hazards and reorganize it to provide adequate protection to all workers, including those in the informal sector, in the event of workplace accidents and occupational illnesses. Furthermore, it urges the State party to continue making efforts to ensure that the labour inspection mechanism has the human, technical and financial resources to provide adequate protection to all workers, including those in the informal sector and, in particular, in rural and remote areas.**

Gender gaps in the labour market

34. The Committee is concerned at the persistent gender pay gap and occupational segregation by gender, which affect indigenous and Afro-Colombian women disproportionately (art. 7).

35. **The Committee recommends that the State party step up its efforts to close the persistent gender pay gap by combating vertical and horizontal segregation in employment, while focusing in particular on the situation and cultural characteristics of indigenous and Afro-Colombian women. It also recommends that the State party properly incorporate the principle of equal pay for work of equal value into law, ensure that it is applied and take measures to promote the equal sharing of responsibilities between men and women in the family and in society.**

Agricultural workers

36. The Committee is concerned at the insecurity of the jobs of many agricultural workers, a significant number of whom are not paid or are paid less than the minimum wage. The Committee is also concerned that a large number of peasant farmers continue to participate in the manual eradication of illicit crops, though many have been killed or injured by anti-personnel mines or in clashes with illegal armed groups. The Committee is concerned that the measures that have been taken to protect those persons are not sufficiently effective to reduce the risks associated with the eradication of such crops and finds it regrettable that it has received no information on the remedies that have been offered to the peasant farmers and their families who have been harmed while taking part in this work (art. 7).

37. **The Committee recommends that the State party redouble its efforts to ensure that all agricultural workers are provided in law and in practice with fair and satisfactory working conditions, including pay that provides them with a decent living for themselves and their families. In addition, it recommends that the State party also make greater efforts to ensure safe working conditions, in accordance with international standards, for everyone, especially civilians involved in the manual eradication of illicit crops, and that it take the necessary measures to promote the creation of jobs that offer decent working conditions. Furthermore, the Committee urges the State party to take measures to provide remedies and compensation to the peasant farmers and their families who have been harmed while taking part in this work.**

38. **The Committee refers the State party to its general comment No. 23 (2016) on the right to just and favourable conditions of work.**

Trade union rights

39. The Committee is concerned that the exercise of the rights to form and join trade unions, bargain collectively and strike are limited by excessive legal requirements, a situation that is reflected in low rates of union membership and the large number of strikes declared illegal. While the Committee notes the decrease in the number of killings of trade unionists, it is deeply concerned at the persistence of numerous acts of violence, including threats and killings targeting leaders and members of trade unions (art. 8).

40. **The Committee urges the State party to review its legislation on trade union rights and bring it into line with article 8 of the Covenant and with the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the ILO Right to Organise and Collective Bargaining Convention, 1949 (No. 98). It also calls on the State party to strengthen, as a matter of urgency, existing mechanisms of protection for the members and leaders of trade unions whose lives and physical integrity are at risk. In addition, it urges the State party to conduct thorough investigations of all allegations of violence, harassment, threats and attempted killings targeting the leaders and members of trade unions, while also ensuring that the perpetrators are duly punished.**

Social security

41. While recognizing the efforts made by the State party to strengthen its social protection system, the Committee is concerned that a significant number of people are not covered by the social protection system, in particular workers in the informal economy, self-employed workers and workers in rural areas who are not paid the minimum wage (art. 9).

42. **The Committee recommends that the State party continue making efforts to develop a social security system that guarantees coverage of universal social protection and provides appropriate benefits for all persons, especially those belonging to the most disadvantaged and marginalized groups, with a view to ensuring that they have a decent standard of living. The Committee also encourages the State party to redouble its efforts to set a social protection floor that includes basic social security guarantees. The Committee draws the State party's attention to its general comment No. 19 (2008) on the right to social security and its statement of 2015 on social protection floors as an essential element of the right to social security and of the Sustainable Development Goals.**

Protection of children and adolescents

43. While it acknowledges the National Strategy for the Prevention and Eradication of the Worst Forms of Child Labour, the Committee is concerned that the Strategy does not effectively address the economic exploitation of children and adolescents in illegal mining activities. The Committee is also concerned at reports of shortcomings in the implementation of the measures taken to prevent the recruitment of children and adolescents by illegal armed groups and reintegrate those children and adolescents after they have demobilized, particularly in terms of access to education, health and psychosocial support (art. 10).

44. **The Committee recommends that the State party take effective measures to prevent and counter the economic exploitation of children and adolescents by ensuring that child labour legislation is actively enforced, strengthening child labour inspection mechanisms and providing support to poor families to make sure that their children attend school. It also recommends that the State party intensify its efforts to effectively prevent children and adolescents from being used by illegal armed groups and take the necessary measures to ensure that all demobilized children are considered victims and have access to education, health and psychosocial support. In addition, the State party is urged to ensure that all cases of economic exploitation of children and the recruitment of children by illegal armed groups are thoroughly investigated and that those responsible are duly punished.**

Violence against women

45. The Committee is concerned that despite the measures taken, violence against women persists in all environments and that the rates of impunity remain high. The Committee is also concerned that many women victims of violence, including victims of domestic violence, do not have timely access either to health services and shelters or to effective remedies, including means of obtaining reparation and compensation (art. 10).

46. **The Committee recommends that the State party:**

(a) **Thoroughly investigate all cases of femicide and violence against women, including domestic violence, and ensure that the perpetrators are duly punished;**

(b) **Take all necessary steps to effectively prevent acts of violence against women;**

(c) **Step up efforts to protect all women victims of violence, including victims of domestic violence, ensuring that they have access to justice through effective remedies, including means of obtaining reparation and compensation, and suitable and timely access to shelters where they can receive immediate physical protection, legal advice and physical and mental health care;**

(d) **Organize information campaigns to raise public awareness, and provide law enforcement officials and judges with training as to the seriousness and criminal nature of violence against women and domestic violence.**

Poverty

47. The Committee is concerned that efforts to combat poverty have not been sufficiently effective to address the State party's high levels of poverty, which disproportionately affects persons living in rural and remote areas, including victims of the armed conflict (art. 11).

48. **The Committee reiterates its previous recommendation (see E/C.12/COL/CO/5, para. 20) and calls on the State party to make greater efforts to combat poverty and inequality. To that end, the Committee urges the State party to ensure that a human rights-based approach is taken in the implementation of programmes designed to combat poverty and inequality, that sufficient resources are allocated for their implementation and that they pay due attention to the most disadvantaged and marginalized groups, including the victims of the armed conflict, and to the disparities between urban and rural areas. In this regard, the Committee draws the State party's attention to its 2001 statement on poverty and the International Covenant on Economic, Social and Cultural Rights.**

Access to land

49. The Committee reiterates its concern at the inequalities in access to land that continue to affect peasant farmers, indigenous peoples and Afro-Colombians. The Committee is also concerned at the limited progress towards the implementation of Act No. 1448 of 2011, the Victims and Land Restitution Act (art. 11).

50. **The Committee refers the State party to its previous recommendation (E/C.12/COL/CO/5, para. 22) and recommends that it:**

(a) **Take the necessary measures to ensure the implementation of the comprehensive rural reform that is part of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, with a view to guaranteeing peasant farmers, indigenous peoples and Afro-Colombians equitable access to land and natural resources;**

(b) **Step up efforts to effectively implement Act No. 1448 of 2011 and the other planned measures in order to ensure that the mechanisms and registers established for the restitution of land are brought fully into operation.**

Internally displaced persons and returnees

51. Despite the efforts made by the State party, the Committee is troubled by the obstacles to social and economic reintegration faced by many returned Colombian refugees. In addition, the Committee is concerned that the standard of living of a significant number of internally displaced persons is still inadequate (art. 11).

52. **The Committee recommends that the State party strengthen its efforts to ensure reintegration and the possibility of an adequate standard of living for returned**

refugees and internally displaced persons, so that they have access to adequate housing, productive projects and basic services such as water, sanitation, health, education and social assistance, including access to credit. The Committee also recommends that the State party take measures conducive to their safe and dignified return to their place of origin whenever possible or offer them appropriate alternatives.

Population involved in the cultivation of illicit crops

53. While the Committee welcomes the measures being adopted by the State party to address the problem of illicit crops, it is concerned at the gaps and constraints that may arise at the implementation stage, from a human rights perspective (art. 11).

54. **The Committee recommends that the State party continue its efforts to incorporate a human rights-based approach to the problem of illicit drugs into its strategy for implementing the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace and that it ensure that the Comprehensive National Programme for the Substitution of Illicit Crops offers alternative productive activities that guarantee the peasant farmers concerned and their families an adequate standard of living, ensuring their effective participation in both the design and the conduct of those activities, as well as real opportunities to market their produce.**

Adequate standard of living for demobilized persons

55. While the Committee takes note of the measures adopted by the State party to reintegrate demobilized persons back into society, it remains concerned at the obstacles to their effective implementation, particularly in rural areas (art. 11).

56. **The Committee recommends that the State party adopt the necessary measures, in keeping with a human rights-based approach, to achieve the effective social and economic reintegration of demobilized persons so as to guarantee the enjoyment of their economic, social and cultural rights, particularly their right to an adequate standard of living. The Committee also recommends that the State party ensure that the so-called local training and reintegration areas afford demobilized persons access to productive activities that entail, inter alia, appropriate technical training and the active participation of the individuals and communities concerned.**

Right to food

57. The Committee is concerned at the prevailing disparities in relation to the right to adequate food, specifically between the critical rates of malnutrition and food insecurity and the rising number of overweight or obese persons in some regions. The Committee is also concerned at the lack of adequate measures to support peasant and smallholder farmers, which has a negative impact on the enjoyment of the right to food (art. 11).

58. **The Committee recommends that the State party develop, pursuant to the National Food Security and Nutrition Policy, a comprehensive national strategy for the protection and promotion of the right to adequate food in order to address food insecurity throughout its national territory and to promote healthier diets. The Committee urges the State party to intensify its efforts to improve the productivity of smallholder farmers by facilitating their access to appropriate technologies and to local markets in order to boost incomes in rural areas. The Committee further recommends that the State party intensify its efforts to combat the effects of climate change on the realization of the right to food. The Committee refers the State party to its general comment No. 12 (1999) on the right to adequate food and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security adopted by the Council of the Food and Agriculture Organization of the United Nations (FAO).**

Right to water

59. The Committee is concerned at the impact of the disproportionate and uncontrolled use of water and the pollution of rivers on account of mining activities, which has resulted

in serious violations of the right to water, the right to adequate food and the right to health in affected communities, as well as damage to the environment (arts. 11 and 12).

60. **The Committee recommends that the State party intensify its efforts to ensure that its water resources are duly protected and that it take the necessary measures to ensure that the use of water by the mining industry does not jeopardize access to safe drinking water, particularly for the communities that may be affected. The Committee further recommends that the State party take appropriate measures to ensure the proper treatment of water used in mining. The Committee refers the State party to its general comment No. 15 (2002) on the right to water.**

Right to health

61. The Committee is concerned at the prevailing disparities in the availability, accessibility, quality and affordability of health-care services, which mainly affect persons in the low-income bracket and persons living in rural or remote areas. The Committee is also concerned at reports that some hospitals in the State party are in a precarious situation owing to the scarcity and irregular supply of provisions, medicine and medical equipment and to the shortage of doctors and other health-care professionals (art. 12).

62. **The Committee recommends that the State party intensify its efforts to allocate sufficient resources to the health sector and that it redouble its efforts to ensure the accessibility, availability, affordability and quality of health care, paying special attention to the needs of the most disadvantaged and marginalized groups, including indigenous peoples and Afro-Colombians, and to the geographical characteristics of rural areas. The Committee urges the State party to take the necessary measures to ensure the effective implementation of the National Plan for Rural Health, which provides for, inter alia, the improvement of the public health facilities, goods and services in rural areas, including the most remote areas, in order to ensure that those areas have qualified medical personnel and scientifically approved drugs and hospital equipment, that the equipment is in good condition, and that sanitary conditions in those areas are adequate.**

Right to education

63. The Committee welcomes the efforts made by the State party to improve access to education, particularly through an increase in budget. However, it remains concerned at:

(a) The persistent inequality in access to education between rural and urban areas, which mainly affects indigenous and Afro-Colombian children and children who have been internally displaced, including for security reasons related to the presence of antipersonnel landmines;

(b) The inadequate provision of preschool education for children belonging to the most disadvantaged and marginalized groups;

(c) The high dropout and repetition rates in secondary education, which significantly affects indigenous and Afro-Colombian children on account of, inter alia, the lack of adequate and good-quality intercultural education;

(d) Reports that, in some regions, families have to bear the indirect costs of education, such as school supplies and uniforms, which they cannot afford;

(e) The poor quality of education, particularly in rural and remote areas, owing to, inter alia, the shortage of qualified teachers, attributable in part to inadequate working conditions and the absence of adequate infrastructure;

(f) Inadequate access to inclusive education for children and adolescents with disabilities (art. 13).

64. **The Committee recommends that the State party:**

(a) **Redouble its efforts to eliminate the disparities in access to education between urban and rural areas and to ensure proper access to education for children**

and adolescents, particularly indigenous, Afro-Colombian and internally displaced children and adolescents;

(b) **Intensify its efforts to ensure that access to preschool education is extended to all children, especially those belonging to the most disadvantaged and marginalized groups;**

(c) **Take appropriate measures to reduce dropout and repetition rates in secondary education, particularly among indigenous and Afro-Colombian children, including by strengthening the bilingual intercultural education system;**

(d) **Intensify its efforts to ensure the availability of free education and to do away with the exceptions to this principle set out in Decree No. 4807 of 2011;**

(e) **Take all necessary measures to enhance the quality of teaching by increasing the number of qualified teachers, ensuring that they receive adequate remuneration and benefits, and to improve educational infrastructure and teaching materials;**

(f) **Intensify its efforts to guarantee children and adolescents with disabilities access to inclusive education.**

Cultural rights

65. The Committee notes with concern that the measures adopted to ensure respect for the cultural diversity of indigenous and Afro-Colombian peoples and to foster the use of indigenous languages remain limited. Furthermore, the Committee is concerned that not enough is being done to promote indigenous and Afro-Colombian traditions and culture and the use of their languages (art. 15).

66. **The Committee recommends that the State party adopt the necessary measures to provide greater protection for cultural rights and to promote greater respect for cultural diversity. The Committee further recommends that the State party create an enabling environment in which indigenous peoples and Afro-Colombian populations may preserve, develop, express and disseminate their identity, history, culture, languages, traditions and customs.**

Participation in scientific activities

67. The Committee regrets that the participation of women in the scientific sphere in the State party remains low and that there is little information on the practical measures adopted to remedy that situation (art. 15).

68. **The Committee recommends that the State party adopt the necessary measures to facilitate and ensure women's access to and participation in the scientific sphere and requests it to include in its next periodic report information on the results yielded by those measures.**

D. Other recommendations

69. **The Committee encourages the State party to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

70. **The Committee encourages the State party to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Rights of Persons with Disabilities; and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.**

71. **The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated**

by the State party establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind.

72. **The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (HRI/MC/2008/3).**

73. **The Committee requests the State party to disseminate the present concluding observations widely among all sectors of society and among public officials, judicial authorities, legislators, lawyers, the Ombudsman's Office and civil society organizations, and to inform the Committee in its next periodic report about the measures that it has adopted to give effect to the recommendations made. The Committee also encourages the State party to seek the participation of civil society organizations in any discussions held at the national level in follow-up to these concluding observations prior to the submission of its next periodic report.**

74. **Pursuant to the Committee's procedure for following up on concluding observations, the State party is requested to provide information, within 18 months of the adoption of the present concluding observations, on the action taken to give effect to the recommendations made by the Committee in paragraphs 10 (Human rights defenders), 16 (Exploitation of natural resources) and 50 (a) (Access to land) above.**

75. **The Committee requests the State party to submit its seventh periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 31 October 2022. The Committee also invites the State party to update its common core document in accordance with the harmonized guidelines on reporting under the international human rights treaties (HRI/GEN/2/Rev.6, chap. I).**